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Congress of the United States
House of Representatives
Washington, DC 20515-0527

June 2, 1994

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The Honorable Rachelle B. Chong
Commissioner
FCC
1919 M Street
Room 844
Washington, D.C. 20554

OFFICE OF
COMMISSIONER RACHELLE B. CHONG

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JUN 24 1994

Dear Commissioner:

FEDERAL COMMUNICATIONS COMMISSION
OFFICE OF SECRETARY

In PR Docket No. 93-61, the Commission will soon make rules pertaining to the use of the 902-928 MHz band. I urge you to reach a decision that strikes a well-considered balance among the various uses of this band and that sets the stage for the continued development of a variety of competitive services in the public interest.

This proceeding has highlighted the many purposes currently served and that could be served by the band. Historically, as you know, the band has been regulated under a hierarchy of priorities designed to further many different activities. The topmost priority is for industrial, scientific and medical uses of the band for purposes other than communication such as heating in the manufacture of materials and in the provision of therapy.

For communications purposes, the federal government has the highest priority. Next are non-federal uses including automatic vehicle monitoring (AVM), amateurs, and unlicensed uses (operating under Part 15 of the FCC rules).

Each of these categories provides for many worthwhile uses of the radio spectrum. The AVM interests have highlighted the ways in which their technologies can make our streets and highways safer and more efficient. AVM may also play key roles in the Intelligent Vehicle Highway System (IVHS), an effort in which those of us from California are especially interested.

As you know, IVHS will use information more efficiently to leverage the public's investment in our transportation infrastructure. The net result would be savings of time and energy as well as a decrease in pollution.

Amateurs have used this and other bands for experimentation and for public service. While their operation has been lower in the hierarchy than other licensed uses, it has, nonetheless, paid important dividends from the standpoint of service to the public.

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Policies designed to foster sound spectrum management should recognize the legitimate role of amateurs and work for accommodation of their interest where possible in a manner consistent with the overall public interest.

With encouragement from the Commission, the Part 15 manufacturers and users have created exciting new and cost efficient technologies that promise to serve a host of beneficial applications. These include systems that deter theft, a new generation of cordless phones, and systems designed to help manage utility loads more efficiently. In many cases, unlicensed uses afford a cost-effective and reasonable alternative to licensed wireless services and to wireline networks. Increasingly, these devices will provide one means of interconnectivity to and valuable services to the National Information Infrastructure.


Because Part 15 devices were authorized under a regulatory program designed to make use of the spectrum on conditions of non-interference to licensed users and that Part 15 equipment accept interference from both licensed users and other Part 15 devices, those who have invested their efforts in the development of Part 15 are concerned that your decision in this matter could lead to unmanageable complaints of interference from licensed users.

I would encourage you to work for a decision that recognizes the beneficial purposes of technologies operating under Part 15. To this end, the adoption of an objective standard for determining when there is interference to licensed uses appears to be a step in the right direction. While sound spectrum management has been built on a system of licensing, I would urge you to send the message to those licensed users who occupy a higher category in your regulatory scheme that they must, to a reasonable degree, accommodate lower priority users.

This band is not pristine spectrum. Any user of it--licensed or unlicensed--should recognize that it has been shared by many different categories and users within these categories. If exclusive spectrum is needed for any of the systems that now operate or would operate in the 902-928 MHz band, the spectrum being made available should be considered for auction. Absent an extraordinary showing to the contrary, any new regulations should provide for the band to continue to be used in a manner to permit a variety of uses.

I urge the FCC to employ its best spectrum management judgment in reaching a decision in this proceeding.

Cordially,


CARLOS J. MOORHEAD
Member of Congress

CJM:jdj